

REMARKS

Applicants have amended claim 25 and canceled claims 1-24 and 26-36 during prosecution of this patent application. Applicants are not conceding in this patent application that said amended and canceled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue said amended and canceled claims, and other claims, in one or more continuations and/or divisional patent applications.

In a telephonic interview on July 24, 2008 between Examiner Tejal Gami and Applicant's Representative Jack P. Friedman, issues pertaining to the office action mailed 06/09/2008 were discussed and no agreement was reached.

New claim 38 is supported in FIG. 4 as described in the specification, page 20, col. 13 - page 22, line 25. New claim 38 does not contain new matter.

The Examiner rejected claims 26 and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Long (EP Patent Number 0 969 363).

Applicants respectfully traverses the § 102 rejections with the following arguments.

35 U.S.C. § 102(b)

The Examiner rejected claims 26 and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Long (EP Patent Number 0 969 363).

Applicant respectfully contends that Long does not anticipate claim 25, because Long does not teach each and every feature of claim 25.

As a first example of why Long does not anticipate claim 25, Long does not teach the feature of managing execution and compensation of a task subject to “said task comprising both compliant processes complying with a commit/backout protocol and **non-compliant processes not complying with a commit/backout protocol**” (emphasis added).

Long teaches execution and compensation of a task comprising compliant processes complying with a commit/backout protocol but is totally silent as to non-compliant processes not complying with a commit/backout protocol.

In “Response to Argument”, the Examiner argues: “Examiner is not persuaded. See Col. 3, Line 56 to Col. 4, Line 8 where the prior art teaches a compensating resource manager is provided for each non-compliant or legacy durable resource”.

In response, Applicant quotes the Examiner’s citation to Long, col. 3, line 56 - col. 4, line 8 is Par. 0011 which recites: “In a component-based on-line transaction processing application environment such as MTS, compensating resource management can be provided for a particular durable resource by implementing a compensating resource manager (CRM). In the CRM, a developer implements a compensating action for each normal action that the CRM supports on the durable resource. The developer also implements the CRM to perform write-ahead logging in

connection with each normal action to specify the compensating action for that normal action.”

Applicant assert that the preceding quote from Long is totally silent as to “non-compliant processes not complying with a commit/backout protocol”. Thus, the preceding quote from Long does not teach preceding feature of claim 25.

Accordingly, Long does not anticipate claim 25.

As a second example of why Long does not anticipate claim 25, Long does not teach the feature: “said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system that is coupled to the data processing system by a labile link”.

As explained *supra*, Long is totally silent as to non-compliant processes not complying with a commit/backout protocol. In addition, Long most certainly does not teach a task whose compliant processes complying with a commit/backout protocol are running on the data processing system and whose non-compliant processes not complying with a commit/backout protocol running on a counterpart processing system that is coupled to the data processing system by a labile link.

In “Response to Argument”, the Examiner argues: “Examiner is not persuaded. See office action above for claim limitations met by the prior art. For example, Long teaches said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system (e.g., distributed network) (see Col. 12, Line 52) that is coupled to the data processing system by a labile link (see Col. 8, Paragraph [0025]). Under such considerations, the claims as written are anticipated by the prior art.”

In response, Applicant notes that the claimed labile link contributes to the non-compliant processes being incapable of being backed out to transform the system resources from the mutually inconsistent state to the initially consistent state (i.e., “wherein the changes to the system resources resulting from the execution of the non-compliant processes cannot be backed out to transform the system resources from the mutually inconsistent state to the initially consistent state **due to the labile link** and associated communication problems between the data processing system and the counterpart processing system” (emphasis added)).

Applicant quotes the Examiner’s citation to Long, col. 12, lines 51-52 which recites: “where the resource managers reside on more than one server computer in a distributed network” Applicant asserts that the preceding quote from Long does not teach the claimed “labile link”. Thus, the preceding quote from Long does not teach preceding feature of claim 25.

Applicant quotes the Examiner’s citation to Long, col. 8, Par. 0025 which recites: “The server computer 20 may operate in a networked environment using logical connections to one or more remote computers, such as a remote client computer 49. The remote computer 49 may be a workstation, a server computer, a router, a peer device or other common network node, and typically includes many or all of the elements described relative to the server computer 20, although only a memory storage device 50 has been illustrated in Figure 1. The logical connections depicted in Figure 1 include a local area network (LAN) 51 and a wide area network (WAN) 52. Such networking environments are commonplace in offices, enterprise wide computer networks, intranets and the Internet”. Applicant asserts that the preceding quote from Long does not teach the claimed “labile link”. Thus, the preceding quote from Long does not teach preceding feature of claim 25.

Accordingly, Long does not anticipate claim 25.

As a third example of why Long does not anticipate claim 25, Long does not teach the feature: “determining by the at least one extended resource manager (ERM), upon receipt of a backout request resulting from the execution of the compliant processes running on the data processing system and **the non-compliant processes running on the counterpart processing system**, compensation actions to transform the system resources into a mutually consistent state **that differs from** an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes, wherein changes to the system resources resulting from the execution of the non-compliant processes transform the system resources into a mutually inconsistent state” (emphasis added).

In contrast, Long, Par. 10 (col. 3, lines 47-50) teaches: “In a case where the transaction aborts, the compensating action is invoked outside of the transaction to return the durable resource to its pre-transaction state”, which is the exact opposite of the preceding feature of claim 25 because the pre-transaction state is not “a mutually consistent state **that differs from** an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes”(emphasis added). This theme is repeated throughout Long. For example, Long, Par. 14 (col. 4, line 57 - col 5, line 2) recites: “In response to the abort notification, the CRM compensator performs the compensating action to reverse the CRM worker’s normal action.” Furthermore, Long, Par. 14 (col. 5, lines 9-12) recites: “the CRM compensator to complete transaction processing (as appropriate) involving the resource as if there had not been a failure.”

In “Response to Argument”, the Examiner argues: “Examiner is not persuaded. For example, see prior art Col. 5, Lines 7-12 for compensator to complete transaction processing as if there had not been a failure; and Col. 14, Paragraph [0044] for actions depending on the resource and irreversible real operations. Under such considerations, the prior art teaches differing states.”

In response, Applicant quotes the Examiner’s citation to Long, col. 5, lines 7-12 which recites: “During recovery, on the other hand, the CRM compensator is again created and informed of the transaction’s outcome based on the log, allowing the CRM compensator to complete transaction processing (as appropriate) involving the resource **as if there had not been a failure**” (emphasis added).

Applicant asserts that the phrase “as if there had not been a failure” reinforces the basic theme in Long that the transformation to the mutually consistent state is the initial state (as explained *supra*), which is excluded by the language of the preceding feature of claim 25 (“compensation actions to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes”). Thus, the preceding quote from Long does not teach preceding feature of claim 25.

Applicant quotes the Examiner’s citation to Long, col. 14, Par. 0044 which recites: “The **normal, clean-up and compensating actions** of the CRM worker and compensator generally vary depending on the specific durable resource being managed. Where the resource is a file system or database for example, the actions can include data processing activities, such as modifying data, writing new data, or deleting data from the resource. In the case of some resources, the CRM compensator’s clean-up and/or compensating actions can include activities in

addition to data processing, such as dispensing cash, tickets, or other items from an ATM or other automated dispensing machine, which may have irreversible real-world results (such operation having irreversible physical world consequences being referred to herein as "real operations")"(emphasis added).

Applicant asserts that the preceding quote from Long refers to normal, clean-up and compensating actions which relates to a commit operation and not to non-compliant processes as claimed. See Long, col. 4, lines 41-47 ("The commit notification affords the CRM compensator an opportunity to perform clean-up processing after the *normal action* of the CRM worker. This clean-up processing is the removal of any state (durable or non-durable) that is being maintained for purposes of compensating for an aborted transaction." (Emphasis added)). Furthermore, Long does not teach that the real operations "having irreversible physical world consequences" are the result of non-compliant processes as claimed. Thus, the preceding quote from Long does not teach preceding feature of claim 25.

Accordingly, Long does not anticipate claim 25.

As a fourth example of why Long does not anticipate claim 25, Long does not teach the feature: "wherein the changes to the system resources resulting from the execution of the non-compliant processes **cannot be backed out** to transform the system resources from the mutually inconsistent state to the initially consistent state due to the labile link and associated communication problems between the data processing system and the counterpart processing system" (emphasis added)

The preceding feature of claim 25 recites the impossibility of transforming the system

resources from the mutually inconsistent state to the initially consistent state, which Long does not teach.

In addition, the preceding feature of claim 25 recites the cause of the impossibility of transforming the system resources from the mutually inconsistent state to the initially consistent state, said cause being “the labile link and associated communication problems between the data processing system and the counterpart processing system”, which Long does not teach. Moreover, Long does not identify non-compliant processes in the context of the preceding feature.

In “Response to Argument”, the Examiner argues: “Examiner is not persuaded. In addition to claim limitations presented in the office action above, see for example, prior art Col. 14, Paragraph [0044] for irreversible real operations. Under such considerations, the claims as written are anticipated by the prior art.”

In response, Applicant quotes the Examiner’s citation to Long, col. 14, Par. 0044 which recites: “The **normal, clean-up and compensating actions** of the CRM worker and compensator generally vary depending on the specific durable resource being managed. Where the resource is a file system or database for example, the actions can include data processing activities, such as modifying data, writing new data, or deleting data from the resource. In the case of some resources, the CRM compensator's clean-up and/or compensating actions can include activities in addition to data processing, such as dispensing cash, tickets, or other items from an ATM or other automated dispensing machine, which may have irreversible real-world results (such operation having irreversible physical world consequences being referred to herein as “real operations”)(emphasis added).

Applicant asserts that the preceding quote from Long refers to normal, clean-up and compensating actions which relates to a commit operation and not to non-compliant processes as claimed. See Long, col. 4, lines 41-47 ("The commit notification affords the CRM compensator an opportunity to perform clean-up processing after the normal action of the CRM worker. This clean-up processing is the removal of any state (durable or non-durable) that is being maintained for purposes of compensating for an aborted transaction."). Furthermore, Long does not teach that the real operations "having irreversible physical world consequences" are the result of non-compliant processes as claimed. Moreover, the preceding quote from Long is totally silent as to the labile link contributing to the non-compliant processes being incapable of being backed out to transform the system resources from the mutually inconsistent state to the initially consistent state, as claimed. Thus the preceding quote from Long does not teach preceding feature of claim 25.

Accordingly, Long does not anticipate claim 25.

As a fifth example of why Long does not anticipate claim 25, Long does not teach the feature: "recording information, by an information recording service, concerning the compensation actions performed during the execution of the non-compliant processes; determining, by the extended resource manager (ERM), the compensation actions on the basis of the information recorded by the information recording service" are not disclosed in Long.

In "Response to Argument", the Examiner argues: "Examiner is not persuaded. See prior art Col. 19, Line 49 to Col. 20, Line 41 for the process resource manager determines compensation actions on the basis of the information recorded by the information recording

service. Under such considerations, the prior art anticipates the claims as written.”

In response, Applicant notes that the Examiner’s citation to Long, col. 19, line 49 - col. 20, line 41 is Long, Pars. 64-68. Applicant asserts that the discussion of “Logging” in Long, Pars. 64-68 is not relevant to the preceding feature of claim 25, because Long, Pars. 64-68 describe Long, Figure 5 which describe normal processes rather than non-compliant processes as claimed. See Long, Par. 64 which recites: “Figure 5 depicts a process 280 by which the CRM worker 202 logs information to **compensate for its normal action on the resource**”. Thus Long, Pars. 64-68 does not teach preceding feature of claim 25.

Accordingly, Long does not anticipate claim 25.

As a sixth example of why Long does not anticipate claim 25, Long does not teach the feature: “backing out the changes to the system resources resulting from execution of the compliant processes before performing the compensation actions, resulting in generation of misaligned logically-correlated data associated with the task; after completion of said immediately backing out and before performing the compensation actions, rendering the misaligned logically-correlated data public to other tasks; and performing the compensation actions after said rendering the temporarily misaligned logically-correlated data public to other tasks”.

The preceding feature recites performance of three method steps in accordance with the recited sequential timing, which Long does not teach. These three sequentially-ordered steps are:

(1) “backing out the changes to the system resources resulting from execution of the compliant processes, resulting in generation of misaligned logically-correlated data associated

with the task”;

(2) “rendering the misaligned logically-correlated data public to other tasks”; and

(3) “performing the compensation actions”.

In “Response to Argument”, the Examiner argues: “Examiner is not persuaded. See office action above and prior art Col. 4, Paragraph [0014] for compensation actions and newly presented limitations taught by the prior art. Under such considerations, the prior art anticipates the claims as written.”

In response, Applicant respectfully contends that the preceding quote from Long:

(1) does not teach generation of misaligned logically-correlated data associated with the task , wherein the generation of the misaligned logically-correlated data results from backing out the changes to the system resources resulting from execution of the compliant processes (the Examiner has not even indicated what the misaligned logically-correlated is in Long. Par. 0014);

(2) does not teach rendering the misaligned logically-correlated data public to other tasks as claimed (the Examiner has not provided any analysis to allegedly demonstrate Long, Par. 0014 teach this aspect of claim 25);

(3) does not teach the “performing the compensation actions” (the Examiner has disregarded the fact that the compensation actions are claimed “to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes”, in contrast with Long who teaches in col. 5, lines 9-12 “the CRM compensator to complete transaction processing ... involving the resource as if there had not been a failure.”)

Accordingly, Long does not anticipate claim 25.

Based on the preceding arguments, Applicant respectfully maintains that Long does not anticipate claim 25, and that claim 25 is in condition for allowance. Since claim 37 depends from claim 25, Applicant respectfully maintains that claim 37 is likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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